REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated August 4, 2009.

Claims 1-19 are in the application.

The foreign patent document, KR 10-2003-0029188, cited in the IDS Submission filed October 7, 2009, is submitted herewith with an English language translation, for the Examiner's consideration.

Claims 10-19 were objected to as not being numbered properly. This is not understood since claims 10-19 appear to be properly numbered.

Claim 3 was rejected under 35 USC 112, first paragraph, with the Examiner noting that it was unclear how to determine the limitation of "enough to protect the evacuee". In response thereto, such limitation has been deleted.

Claims 1 and 11, though not formally rejected, were cited as having insufficient antecedent basis for the limitations "the ground" and "the gas filling space" respectively. In response thereto, the definite article "the" has either been deleted or replaced with the indefinite article "a", as appropriate.

Claims 7 and 13 were rejected under 35 USC 112, second paragraph, as being indefinite regarding whether an opening or closing member or valve was being claimed. In response thereto, claims 7 and 13 have amended to specify that the member and valve respectively each have both an opening and closing function.

Claims 1-3 and 8-10 were rejected under 35 USC 103(a) as being unpatentable over Orgeron (4616735) in view of Varner et al. (4938435). Claim 4 was rejected in further view of Woodland (5597335). Claims 5-7 were rejected over Orgeron in view of Varner et al. and Elsholz (5718612). Claims 11-13 were rejected over Orgeron in view of Varner et al. and Wright (5820432). Claims 14-15 were rejected over Orgeron in view of Varner et al. and Kim (4971354). Claims 16-17 were rejected over Orgeron in view of Varner et al. and Mutaguchi et al. (5960718). Claim 18 was rejected over Orgeron in view of Varner et al. and Mutaguchi et al. and Wright and claim 19 was rejected over Orgeron in view of Varner et al. and Pourchet (3156442).

In response thereto, it is submitted that the amended claim 1 specifies:

an emergency release apparatus comprising: an air tube having an accommodation space for an evacuee and for protecting the evacuee from an external impact; a rope connected to the air tube, having one end fixed to an evacuation place, and having a length long enough to reach ground; and **a controller mounted in the air tube** and connected to the rope, for descending the air tube in which the evacuee is accommodated to the ground at a safe speed, **wherein the air tube is formed in a shape to encapsulate the evacuee** in the accommodation space.

Orgeron discloses a rescue collar as used by the Coast Guard for helicopter rescues (col. 5, lines 25-27 and Figures 8 and 9) having a donut shape and nothing more. An evacuee cannot be encapsulated in the accommodation space of the donut shape collar of the Orgeron reference. As shown in Figure 9, the collar is used only to support the arms and shoulders of an evacuee. The collar has nothing more and is certainly not an encapsulation as claimed. Present Figure 12 and especially Figure 13 show the encapsulation nature of the claimed emergency release apparatus as enclosing substantially the entire body of the evacuee. In particular, the head and eyes of the evacuee are enclosed and covered to make the evacuee feel more comfortable (paragraph 5).

The basic combination cited against all of the present claims is that of Orgeron in view of Varner et al., with the Examiner citing Varner et al. as teaching "the utility of a controller 21 mounted in the air tube and connected to the rope 26" and that "it would have been obvious to provide the evacuation device of Orgeron with a controller as taught by Varner et al. so as to allow manual control when evacuating". It is apparent that the Examiner has merely combined the teachings of the references in order to reject the present claims without consideration of the actual effect of such combination. The Varner et al. controller 21 is indeed directly connected to the line 26 to directly provide an automatic braking function controlled by handle 35. However, as is clearly shown by Figures 2 and 5, the controller is provided with a latch hook 34 at its lower end for "...securing the descent device to a parachute harness, bucket seat, supporting strap or the like..." (col. 2, lines 49-50). Thus, contrary to the Examiner's assertion, the controller is outside the harness and is not and cannot be mounted in an air tube such as that of Orgeron and as presently claimed. Furthermore, even if a controller would be used with the Orgeron air tube (in view of Varner et al.) in the air tube, it would have room for placement only above the head

of the evacuee (or directly above the air tube as actually "taught" by Varner et al.). One skilled in the art would not however even remotely consider either of such placements since either would require the evacuee to raise her hands for manual manipulation of the controller. This would result in the strong likelihood of her disengagement from the collar 54 and falling to the ground. Any benefit of manual control of descent rate, as suggested by the Examiner, is overwhelmingly negated by the danger it would pose.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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